

REMARKS/ARGUMENTS

The Office Action dated April 4, 2007 and the references cited therein have been carefully considered. In response to the Office Action, Applicant has amended independent Claims 1, 8, 11, 18 and 25 and added new Claims 37-41 which, when considered with the remarks set forth below, are deemed to place the case with Claims 1-41 in condition for allowance.

In the Office Action, , Claims 1-3, 5-13, 15-20, 22-27 and 29-36 have been rejected under 35 U.S.C. §103(a) as being unpatentable over any of U.S. Patent No. 2,149,896 to McArdle, et al., U.S. Patent No. 3,185,164 to Flore, et al., and U.S. Patent No. 3,911,932 to Houck Jr., et al. in view of U.S. Patent No. 2,091,572 to Swan. Specifically, the Examiner states that the McArdle, Flore and Houck patents all disclose the application of a layer of ethyl cellulose to a tobacco wrapper containing a tobacco product, and that the Swan patent discloses application of multiple coatings on paper with a gravure-type process. The Examiner states that the McArdle patent in particular recognizes the use of ethyl cellulose as a way of controlling moisture resistance.

In response, Applicant has amended independent method Claims 1, 8 and 11 to define a method for preventing discoloration of a cigarette, wherein two layers of water repellent impregnation are applied to the paper over at least the entire length of a tobacco column of the cigarette. Applicant has amended apparatus Claims 18 and 25 in a similar manner to define a cigarette, wherein two layers of cellulose derivative are applied over the entire length of the tobacco column of the cigarette. It is respectfully submitted that none of the cited references, taken alone or combined, discloses a method for preventing discoloration of a cigarette, or a cigarette, wherein two layers of water repellent impregnation are applied over the entire length of the tobacco column or strand of the cigarette, as defined in Claims 1, 8, 11, 18 and 25.

Instead, both the McArdle and the Flore patents are concerned with methods for waterproofing the mouth end of a cigarette or cigar so as to prevent the smoker's lips from sticking to the cigarette or cigar. The Houck patent is only concerned with a method to lower the porosity in the far end section of the cigarette so that a level smoke delivery is achieved.

Finally, the Swan patent simply discloses a method for manufacturing paper. Thus, none of the cited patents is concerned with or discloses a method for preventing discoloration of a cigarette.

Moreover, the McArdle patent discloses applying a waterproof derivative only at the mouth end of a cigarette. This leaves the entire tobacco column of the McArdle cigarette uncovered by the derivative.

Similarly, the Houck patent discloses applying a substance only on an outer end portion of the cigarette. It is specifically stated in the Houck patent that the coating should extend only to a location “intermediate (between $\frac{1}{4}$ and $\frac{3}{4}$ of the distance from) the smoking end and mouth end 26 of the cigarette.” Indeed, it is important to leave a portion of the tobacco column uncoated so as to achieve the varied degrees of porosity along the length of the tobacco column for a leveling of the smoke profile, as sought by the Houck patent. Thus, the Houck patent expressly teaches away from applying layers of cellulose derivative over the entire length of the tobacco column of the cigarette.

Finally, the Flore patent only discloses applying a coating on a tobacco sheet, as opposed to paper, and the Swan patent does not mention cigarettes at all. Thus, neither of these patents discloses two layers of cellulose derivative applied over the entire length the tobacco column of the cigarette.

Accordingly, for all of the foregoing reasons, it is respectfully submitted that independent Claims 1, 8, 11, 18 and 25, and the claims that depend therefrom, patentably distinguish over the prior art.

Applicant has also added new Claims 37-41, which define the application of the cellulose derivative over the entire length of the cigarette. As set forth above, all of the cited references disclose the application of a coating over only a portion of the cigarette. There is absolutely no mention in any of the patents of applying a cellulose derivative over the entire length of the cigarette. Accordingly, for this additional reason, it is respectfully submitted that new Claims 37-41 patentably distinguish over the prior art.

In view of the foregoing amendment and remarks, favorable consideration and allowance of the application with Claims 1-41 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, he is respectfully invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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